

REMARKS

Applicant notes that prosecution of non-elected claims will not present an undue burden, and that therefore, no claims will be withdrawn.

The examiner is thanked for correcting typographical in two U.S. patent numbers cited on the two sheets of Form PTO-1449, previously submitted by the Applicant.

A substitute Inventorship Declaration (unexecuted) is submitted herewith in which the parent application referenced on page one of the specification has been listed under a priority claim paragraph referencing 35 USC §120. This declaration is being forwarded to the inventor for execution and will be faxed to the examiner upon return thereof to the undersigned attorney of record.

The typographical errors in Claims 10 and 15 have been corrected as suggested by the examiner.

In the first Office Action, the allowance of Claims 16-20 is noted.

Claims 11, 12 and 15 were rejected for lack of novelty over U.S. Patent No. 6,186,413 of Lawson. Claim 11 has been amended to expressly require that the coarser mesh section is "joined with the finer mesh section." In the sprinkler of Lawson, the coarse rock screen 46 is a completely separate element from fine mesh filter screen 74, i.e., they are not joined to each other. Accordingly, withdrawal of the novelty rejection of Claim 11 over Lawson is requested, along with the rejections of Claims 12 and 15 which depend therefrom.

In the first Office Action, Claims 1-8 were rejected for obviousness over U.S. Patent No. 4,272,024 of Kah, Jr., in view of U.S. Patent No. 4,360,037 of Kendall. The examiner's position is that it would have been obvious to one of ordinary skill in the art to modify the filtering arrangement of the sprinkler of Kah, Jr. to include the fixed scrubber member mounted to the inlet and of the outer housing for allowing reciprocable movement of the

strainer with the scrubber, as allegedly taught by Kendall "in order to dislodge and remove accumulated debris from the exterior of the strainer."

The obviousness rejection of Claims 1-8 is traversed. It is respectfully submitted that the examiner has failed to make out a *prima facie* case of obviousness, which requires: i) that there must be some suggestion or motivation, either in the references themselves or knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; ii) that there must be a reasonable expectation of success; and iii) the prior art references when combined must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Kah, Jr. patent is concerned with the construction of a nozzle having a sealing surface biased against another surface on the sprinkler head so that fluid passing through the nozzle decreases the force biasing the nozzle against the non-rotating surface of the head to thereby minimize wear. While the sprinkler of Kah, Jr. has a filter and valve device 30, this patent is not concerned with clogging or cleaning of filter and valve device 30. Kendall discloses a self-cleaning filter assembly for a solenoid actuated valve. There is nothing in either Kah, Jr. or Kendall which would suggest the desirability of including the fixed scrubber member of Kendall into the sprinkler of Kah, Jr. for the purpose of scraping debris off of the filter and valve device 30. The lower mounting cylinder 134' of the cleaning element 132' of the modified embodiment of Fig. 8 of Kendall is supported by washer 144' and a stud 176. Bolt 178 passes through stud 176 and washer 144' to secure the cleaning element 132' in place within the valve housing 22'. If the aforementioned structure of Kendall were mounted in the lower end of cylinder housing 2 of the Kah, Jr. sprinkler, it would block threaded opening 6, thus rendering the modified Kah, Jr. sprinkler inoperable, and therefore, such modification would not have been obvious. See *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). Accordingly, withdrawal of the obviousness rejection of Claims 1-8 is requested.

New Claim 21 has been added which is a combination of Claims 1 and 9, as originally filed. In paragraph 10 of the first Office Action, the examiner indicated that Claim 9 was objected to, but would be allowable if re-written in independent form. Accordingly, new Claim 21 is allowable.

A check in the amount of \$104.00 is submitted herewith to cover the additional fee required, namely, \$86.00 for one independent claim in excess of three, and \$18.00 for one claim in excess of twenty. Authorization is given to charge Deposit Account No. 50-0626 for any additional fee required.

The examiner is requested to approve the formal drawings (twelve sheets) filed on April 29, 2002.

This case is condition for allowance and notification to this effect is solicited.

Respectfully submitted,

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